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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,119	09/04/2001	Allan P. Plummer	1340-7	1754

7590 08/15/2003

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EXAMINER

NGUYEN, PHUNG

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 08/15/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/944,119

Applicant(s)

PLUMMER, ALLAN P.

Examiner

Phung T Nguyen

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-30 is/are allowed.
- 6) ☒ Claim(s) 1-13 and 31-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-13, 35, and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 11, "the further communication symbol" lacks antecedent basis.

Claim 35, line 1, "the activation marks" lacks antecedent basis.

Claim 36, line 3, "said activation marks" lacks antecedent basis.

Claims 2-13 are also rejected for incorporating the above deficiency by dependency.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 31-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollabaugh et al. (U.S. Pat. 4,131,882) in view of Reiter (U.S. Pat. 4,684,920).

**Regarding claim 31:** Hollabaugh et al. disclose a digital two-wire irrigation control system with feedback, which comprises distributing power and a reference datum to the second stations via a distribution medium (col. 4, lines 39-52). Hollabaugh et al. do not teach activating the second stations at a prescribed offset from the reference datum as claimed. However, Reiter

Art Unit: 2632

discloses a remotely controlled bypass for automatic watering system comprising the programmed sequence enables watering to take place when personnel are generally unavailable (col. 3, lines 1-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teaching of Reiter into the system of Hollabaugh because they both teach an irrigation system employing the power lines to activate the valve and enable watering. Reiter's teaching of using a central irrigation clock programmed to enable watering of several zones of an area under irrigation control would enhance the system of Hollabaugh by allowing the zones can be watered sequentially with each zone being watered for a given time period.

**Regarding claim 32:** Hollabaugh et al. disclose the alternating power signal has a substantially square waveform (col. 11, lines 49-54).

**Regarding claim 33:** Hollabaugh et al. disclose a plurality of activation marks after the reference datum (col. 11, lines 49-68, and col. 12, lines 1-25).

**Regarding claim 34:** Hollabaugh et al. disclose a predetermined sequence of positive and negative components in the alternating power signal (col. 4, lines 64-68, and col. 5, lines 1-12).

**Regarding claim 35:** Refer to claim 34 above.

**Regarding claim 36:** Hollabaugh et al. disclose sending instruction to each station whether or not to activate embedded in the activation marks (col. 5, lines 4-8).

**Regarding claim 37:** All the claimed subject matter is already discussed in respect to claims 31 and 36 above.

**Regarding claim 38:** Hollabaugh et al. disclose the power switching circuit operable to provide an alternating power signal (col. 4, lines 39-45).

**Regarding claim 39:** Hollabaugh et al. disclose the alternating power signal that has a substantially square waveform (col. 11, lines 19-54).

**Regarding claim 40:** Refer to claim 33 above.

**Regarding claim 41:** Refer to claim 34 above.

**Regarding claim 42:** Refer to claim 35 above.

**Regarding claim 43:** Refer to claim 36 above.

***Allowable Subject Matter***

5. Claims 14-30 are allowed.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Fridley et al. [U.S. Pat. 6,229,432] disclose an intelligent transceiver module particular suited for power line control system.

b. Johnston et al. [U.S. Pat. 4,400,688] disclose a method and apparatus for communication over electric power line.

c. Ahlse et al. [U.S. Pat. 5,493,267] disclose an arrangement for the transfer of control commands in an apparatus or a machine-operated form the mains.

d. Buhning et al. [U.S. Pat. 6,097,761] disclose a method and system for the transmission of data and power.

e. Budek [U.S. Pat. 4,348,582] discloses a communication via an electricity supply main.

f. Takagi [U.S. Pat. 4,988,972] discloses a method for transmitting and receiving signals over transmission power lines.

g. Honda [U.S. Pat. 3,818,466] discloses an information system utilizing pulse DIP signals superimposed on a carrier signal.

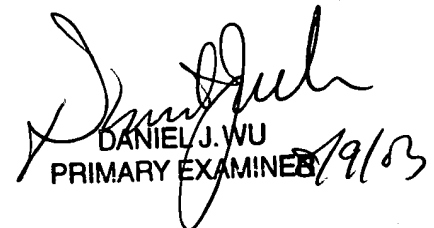
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 703-308-6252. The examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 703-308-6730. The fax numbers for the organization where this application or proceeding is assigned are 703-305-3988 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Examiner: Phung Nguyen

Date: August 6, 2003

  
DANIEL J. WU  
PRIMARY EXAMINER 8/9/03